

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE SUAVE,

Plaintiff,

v.

DENNIS STRAUB et al.,

Defendants.

Case No.: 1:07-cv-794

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court. Therefore,

IT IS ORDERED that Defendants' Captain Gregory Smithson, Captain Barry Hall, and Lieutenant Mark Merryman's Motion for Summary Judgment (Dkt. #40) is **GRANTED**. The Plaintiff's action against Defendants Smithson, Hall and Merryman is dismissed.

Dated: July 17, 2008

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge